

ESL LEGISLATION



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Federal ESL Laws and Legal Decisions



Equal Educational Opportunities Act (1974)

Schools need to take appropriate measures to overcome language barriers that impede students' participation in programs.



Lau vs. Nichols (1974)

Giving all students the same desks, books, teachers, and lessons does not mean that they have equal opportunity, especially if there are students who do not speak English.



Castaneda vs. Pickard (1981)

The Fifth Circuit Court established a three-part test to determine if school districts are complying with the EEOA of 1974.



Plyler vs. Doe (1982)

Schools cannot deny students access simply because they are undocumented (illegal) aliens.



No Child Left Behind (2001)

This act makes federal funding for states dependent on student progress.

ESL Legislation in Tennessee

Title VI of the Civil Rights Act of 1964

- LEP students may not be retained or failed due to English language development. If there is a language problem that denies access to the curriculum, the district/school has the obligation of making that program/class accessible to the LEP student.

4-1-404. English Only Law

- All communications and publications, including ballots, produced by governmental entities in Tennessee shall be in English, and instruction in the public schools and colleges of Tennessee shall be conducted in English unless the nature of the course would require otherwise.

NCLB Title III

- The Language Instruction for Limited English Proficient and Immigrant Students program assists school districts in teaching English to limited English proficient students and in helping these students meet the same challenging state standards required of all students.

Rule 0520-1-3-.056. a. 1 and 2 ii

- English instruction especially designed for speakers of other languages. ESL pull out programs, structured immersion classes, or scheduled ESL class periods.

ESL Program policy 3.207

- Designed to set minimum standards for Tennessee school districts in providing services to non-English language background (NELB) students who are also limited English proficient (LEP).



Adaptations

Requirements for LEAs

- L = English Language Learner
- 1 = Transition Year 1
- 2 = Transition Year 2
- g = a student who was L, 1, or 2 during his freshman year in high school
- N = Non English Background Student
- E = English is native language

Staffing Ratios

- ESL class sizes shall not exceed state mandated grade level class size requirements.
- The district-wide ESL program staffing ratio shall be based on an average of no more than 45 identified ELL students per full-time ESL endorsed teacher unless an alternate staffing ratio is approved by the Department of Education.

Home Language Survey

- What is the first language this child learned to speak?
- What language does this child speak most often outside of school?
- What language do people usually speak in this child's home?

Testing Accommodations

- Extended time
- Bilingual dictionary
- Read aloud in English

Helpful Resources

- ▣ <http://www.tntesol.org/>
- ▣ <http://www.eslcafe.net>
- ▣ <http://www2.ed.gov/about/offices/list/ocr/ell/glossary.html>
- ▣ <http://www.tntesol.org/forms/ESLProgramGuide.pdf>
- ▣ <http://www2.ed.gov/about/offices/list/oela/index.html>



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